

5905 LAKE SAIL DRIVE  
CRESCENT CITY, CA 95531  
IN PROSE

FILED

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUN - 9 2008

HAROLD SHAMBURGER,  
PLAINTIFF,

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

R. KIRKLAND, ET. AL.,  
DEFENDANTS.

CASE NO. 07-4597-JSW

MOTION FOR AN ORDER COMPELLING DISCOVERY  
PER FED. R. CIV. P. RULE 37(a) AND SANCTIONS  
RULE 37(a)(1).

PLAINTIFF MOVES THIS COURT FOR AN ORDER PURSUANT TO FED. R. CIV. R 37(a)(4)  
REQUIRING PELICAN BAY CORRECTIONAL OFFICER A. HERNANDEZ TO PAY PLAINTIFF  
THE SUM OF 500. <sup>00</sup> DOLLARS AS REASONABLE EXPENSES IN OBTAINING THIS  
ORDER OR AN ORDER COMPELLING THE CALIFORNIA DEPARTMENT OF CORRECTIONS  
TO ALLOW PLAINTIFF TO INTERVIEW SUD PRISONERS OR HAVE THEM BROUGHT BEFORE  
THIS COURT TO TESTIFY ON PLAINTIFF BEHIND CONCERNING THE THREE (3)  
DOCUMENTS USED TO VALIDATE PLAINTIFF AS A ACTIVE GANG MEMBER  
SEE HUDSON 412 F2d 1091.

ON THE GROUNDS THAT OFFICER A. HERNANDEZ WERE GIVEN PLAINTIFF'S  
AFFIDAVITS FROM THE FOLLOWING PRISONERS:

1.) R. WILLIAMS # B72882	5.) V. JONES # B260077
2.) R. DEWBERRY # C35071	6.) L. POWELL # B59864
3.) J. FRANKLIN # C08545	
4.) K. CARTER # B52119	

AND REFUSE TO PROVIDE PLAINTIFF WITH HIS AFFIDAVITS SIGHT PURSUANT  
TO Fed. R. CIV. P. RULE 26, RULE 56(f) AND COR 7115 SECTION 3139  
(ONE TIME CORRESPONDENCES) APPROVED BY A FACILITY CAPTAIN ON  
4/18/08 AND 5/14/08.

THESE DOCUMENTS AND EXHIBITS ARE GERMANY TO THE FOREMENTIONED  
CAUSE OF ACTION. BECAUSE EACH OF THE ABOVE PRISONERS- PERSONS HAVE  
PERSONAL KNOWLEDGE OF THE (3) CONFIDENTIAL MEMOS. FOR EXAMPLE;  
R. DEWBERRY # C35071 AFFIDAVIT WOULD REFUTE VRISON OFFICIALS CLAIM  
THAT PLAINTIFF'S CONFIDENTIAL MEMO DATED SEPTEMBER 8 2004  
CONFISCATED FROM HIS CELL WAS NOTHING MORE THAN A PETITION  
SEEKING THE RELEASE OF POLITICAL PRISONERS AND WAS UNRELATED

TO DANCE ACTIVITY, AND ANY LEGAL REMEDY HIM DEWBERRY  
MAY HAVE PURSUED CONCERNING THIS DOCUMENT IS VERY MUCH  
AN ISSUE BEFORE THIS COURT.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
TRUE AND CORRECT.

EXECUTED 6/15/08

*Harold Chamberlain*  
TESTIMONY OF  
TEST HAROLD CHAMBERLAIN

**EXHIBIT A**